

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re Application of

ATHOS ASIA EVENT DRIVEN MASTER FUND; KEVIN XIN LU; FOURWORLD EVENT OPPORTUNITIES, LP; BCIM STRATEGIC VALUE MASTER FUND, LP; MASO CAPITAL ARBITRAGE FUND LIMITED; and MASO CAPITAL INVESTMENTS LIMITED,

Petitioners, for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding.

Case No. 21-mc-\_\_\_\_\_

**APPLICATION FOR AN ORDER OF JUDICIAL ASSISTANCE  
PURSUANT TO 28 U.S.C. § 1782**

Petitioners Athos Asia Event Driven Master Fund; Kevin Xin Lu; FourWorld Event Opportunities, LP; BCIM Strategic Value Master Fund, LP; Maso Capital Arbitrage Fund Limited; and Maso Capital Investments Limited (collectively, “Petitioners”) respectfully request an order in the form attached hereto permitting Petitioners to obtain certain limited discovery under 28 U.S.C. § 1782 (“Section 1782”) in connection with an appraisal proceeding pending in the Grand Court of the Cayman Islands (the “Appraisal Proceeding”). In support of this application, Petitioners submit a Memorandum of Law and attach the Declarations of Kyle J. Kolb (the “Kolb Declaration”) and Marc Allan Kish (the “Cayman Declaration”) and further state as follows:

1. Petitioners seek the assistance of this Court to obtain discovery from L & L Horizon, LLC (“Respondent”) which can be “found” for purposes of Section 1782 in this district. Petitioners’ narrowly tailored requests are set forth in the subpoena attached as **Exhibit 1** to the Kolb Declaration, relate to the fair value of the shares of eHi Car Services Limited (“eHi” or the “Company”) held by Petitioners, and the process leading to the sale of eHi. The discovery cannot be obtained directly in the Appraisal Proceeding, but it is welcomed by the Cayman Islands courts.

As set forth in more detail in the Cayman Declaration, the discovery sought through this application is for use by the Petitioners' valuation expert in connection with his valuation report due May 7, 2021.

2. Section 1782 permits litigants in foreign proceedings to obtain discovery in the United States to assist in the foreign litigation. In particular, Section 1782(a) states:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. The order may be made . . . upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court.

3. The requirements of Section 1782 are satisfied here. As explained in the accompanying submissions, (1) Respondent is "found" in Delaware, (2) the discovery sought is to be used in the Appraisal Proceeding, and (3) Petitioners are each an "interested person" in that proceeding.

4. This application also meets the discretionary factors of § 1782, as explained further in the accompanying Memorandum of Law: (1) Respondent is not a party to the Appraisal Proceeding, (2) Cayman Islands courts are receptive to the assistance of United States courts, (3) Petitioners are not attempting to circumvent foreign proof-gathering restrictions, and (4) the document requests are not unduly intrusive or burdensome. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004).

Thus, Petitioners respectfully request that this Court expeditiously grant the application for an Order authorizing Petitioners to serve Respondent with the subpoena attached as Exhibit 1 to the Kolb Declaration.

WHEREFORE, Petitioners respectfully request that this Court enter an Order:

1. Granting the application for discovery under 28 U.S.C. § 1782;
2. Authorizing Petitioners to take discovery from Respondent, by issuing the proposed subpoena; and
3. Directing Respondent to comply with the subpoena issued in this case in accordance with the Federal Rules of Civil Procedure and the Rules of this Court.

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